

**IN THE UNITED STATE DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO
LAS CRUCES DIVISION**

JUAN CARLOS LEON-HERRERA
Plaintiff

v.

**BAR-S FOODS CO D/B/A SIGMA
FOODS AND JORGE ZUNIGA ISAIS
D/B/A RVJ TRANSPORT**
Defendant

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CIVIL ACTION NO. 2:24-cv-00153

JURY TRIAL DEMANDED

**PLAINTIFF JUAN CARLOS LEON-HERERA'S
DESIGNATION OF EXPERTS**

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff in the above styled and numbered cause files this Designation of Experts and would respectfully show the Court as follows:

I.

PLAINTIFF'S EXPERT WITNESSES

Experts may testify live, by video deposition, oral deposition or deposition on written question or through written affidavit as provided for in the rules as to: the history Plaintiff related regarding the incident made the basis of this suit; prior treatment, the cause and effect of Plaintiff's injuries, job requirements, ability of Plaintiff to perform work, effect or plans of treatment, sequelae of the accident, nature of the examinations performed, diagnostic tests, extent and duration of treatment; past, present and subsequent injuries; Plaintiff's prognosis, future treatment recommended, and

the necessity of the future medical treatment recommended; the necessity and reasonableness of past medical treatment and medical bills; and the reasonableness and amount of future medical expenses which in reasonable probability are necessitated by Plaintiff's medical condition.

Plaintiff designates the following persons as expert witnesses who may be called to testify at the trial of this cause:

RETAINED EXPERTS

NONE AT THIS TIME. WILL SUPPLEMENT.

NON-RETAINED EXPERTS

Plaintiff hereby designates the following as experts in this cause of action. The following healthcare providers and/or such providers' Custodian of Medical Records have general knowledge of Plaintiff's injuries sustained in this accident for **JUAN CARLOS LEON-HERRERA, Individually:**

1. **Darrell G. Rowe, OTR**
Various Physicians, Nurses and Staff And/or Custodian of Records
26315 Avery Place
Murrieta, California 92563
951-698-7720
2. **Guadalupe County Hospital**
Various Physicians, Nurses and Staff And/or Custodian of Records
117 Camino De Vida, Suite 100
Santa Rosa, New Mexico 88435
575-472-3417

3. Santa Rosa EMS

Various Physicians, Nurses and Staff And/or Custodian of
Records
244 South 5th Street
Santa Rosa, New Mexico 88435
575-472-0367

4. University of New Mexico Health

Various Physicians, Nurses and Staff And/or Custodian of
Records
2211 Lomas Boulevard NE
Albuquerque, New Mexico 87106
505-272-2111

The above-listed experts are "testifying" experts. However, as to the medical providers listed, they are Plaintiff's treating physicians and have not been retained by, employed by and are not otherwise under the control of the Plaintiff. Further discovery regarding these experts may be had pursuant to Fed. R. of Civ. P. No. 26(a)(2) and/or a Scheduling Order.

Experts may testify live, by video deposition, oral deposition or deposition on written question or through written affidavit as provided for in the rules as to: the history Plaintiff related regarding the incident made the basis of this suit; prior treatment, the cause and effect of Plaintiff's injuries, job requirements, ability of Plaintiff to perform work, effect or plans of treatment, sequelae of the accident, nature of the examinations performed, diagnostic tests, extent and duration of treatment; past, present and subsequent injuries; Plaintiff's prognosis, future treatment recommended, and the necessity of the future medical treatment recommended; the necessity and reasonableness of past medical treatment and medical bills; and the

reasonableness and amount of future medical expenses which in reasonable probability are necessitated by Plaintiff's medical condition.

These experts are treating health care providers and are of the opinion that Plaintiff suffered injuries to Plaintiff's body as a result of the incident made the basis of this suit, that Plaintiff required and underwent diagnostic testing and treatment for Plaintiff's injuries, that Plaintiff may require testing and/or treatment in the future, that Plaintiff has sustained and will sustain disability, physical impairment, physical pain, suffering and/or mental anguish due to these injuries irrespective of any prior or subsequent injury, and that the treatment received by Plaintiff was reasonable and necessary and the charges were reasonable and customary in the county in which the services were provided or Plaintiff resides.

Opinions are based on these experts' review of Plaintiff's medical records, the physical examination of Plaintiff, Plaintiff's treatment, Plaintiff's complaints, Plaintiff's medical history, review of Plaintiff's diagnostic reports, information received from other health care providers, and the experts' knowledge and training as medical professionals. In addition, please refer to the medical records, medical service affidavits, and medical bills and x-rays which have been, may or will be attached, produced, exchanged, subpoenaed, obtained and/or made available for inspection by any party to this suit and incorporated herein by reference as if fully stated verbatim. Please also refer to any experts' depositions and any exhibits attached or referenced therein as

may be taken in this case. Please also refer to all medical bills or records on file with the court in this case. Plaintiff would further refer Defendant to Plaintiff's treating or testifying physicians for an estimate of future medical expenses. All items mentioned above are, or will be, made available for inspection at Plaintiff's counsel's office at a mutually convenient time.

II.

DEFENDANTS' EXPERT WITNESSES

Plaintiff further designates as experts in this case any and all experts designated by the Defendant or who will be designated by the Defendant in this case. Plaintiff does not adopt the opinions of the expert witnesses designated by any other party but incorporates by reference those persons properly designated as experts by any other party for the purpose of cross-examination related to those areas which might be deemed to be expert testimony. The exact nature of the testimony, subject matter, mental impressions, and the facts known cannot be anticipated by Plaintiff prior to trial, but Plaintiff incorporates by reference as if set forth in full for all purposes any and all designations of expert witnesses by any other party in this case. These experts may be called by way of cross-examination or as adverse witnesses.

III.

HEALTH CARE PROVIDERS

The following individuals have knowledge of the medical facts of this case stemming from their involvement in the care and treatment of **JUAN**

CARLOS LEON-HERRERA. Said individuals have treated **JUAN CARLOS LEON-HERRERA**, reviewed medical records, and have medical knowledge gained from their training experience, education, and research. Plaintiff anticipates that these individuals will be called on to give testimony orally and/or via affidavit in the form of facts and opinions regarding the care and treatment they provided, to **JUAN CARLOS LEON-HERRERA**, including but not limited to Plaintiff's condition, injuries, damages, prognosis, and the modes of treatment. Further, their anticipated testimony includes, but is not limited to medical expenses, medical treatment, pain and suffering, disabilities, mental anguish, and other elements of damages.

1. **Darrell G. Rowe, OTR**
Various Physicians, Nurses and Staff And/or Custodian of
Records
26315 Avery Place
Murrieta, California 92563
951-698-7720
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2211 Lomas Boulevard NE
Albuquerque, New Mexico 87106
505-272-2111

As to the medical providers listed, they are Plaintiff's treating physicians and have not been retained by, employed by and are not otherwise under the control of the Plaintiff. Further discovery regarding these experts may be had pursuant to Fed. R. of Civ. P. No. 26(a)(2) and/or a Scheduling Order.

Experts may testify live, by video deposition, oral deposition or deposition on written question or through written affidavit as provided for in the rules as to: the history Plaintiff related regarding the accident, prior treatment, the cause and effect of Plaintiff's injuries, job requirements, ability of Plaintiff to perform work, effect or plans of treatment, sequelae of the accident, nature of the examination performed, diagnostic tests, extent and duration of treatment, past, present and subsequent injuries, Plaintiff's prognosis and future treatment recommended, the necessity and reasonableness of past medical bills, and the amount and necessity of future medical expenses which Plaintiff may incur.

These experts are treating health care providers and are of the opinion that Plaintiff suffered injuries to his body as a result of the incident made the basis of this suit, that Plaintiff required and underwent diagnostic testing and treatment for his injuries, that he may require testing and/or treatment in the future, that he has sustained and will sustain disability, physical impairment,

physical pain, suffering and/or mental anguish due to these injuries irrespective of any prior or subsequent injury, and that the treatment received by Plaintiff was necessary and the charges were reasonable.

Opinions are based on these experts' review of Plaintiff's medical records, the physical examination of Plaintiff, Plaintiff's treatment, Plaintiff's complaints, Plaintiff's medical history, review of Plaintiff's diagnostic reports, information received from other health care providers, and the experts' knowledge and training as medical professionals. In addition, please refer to the medical records, medical service affidavits, and medical bills and x-rays which have been, may or will be attached, produced, exchanged, subpoenaed, obtained and/or made available for inspection by any party to this suit and incorporated herein by reference as if fully stated verbatim. Please also refer to any experts' depositions and any exhibits attached or referenced therein as may be taken in this case. Please also refer to all medical bills or records on file with the court in this case. Plaintiff would further refer Defendant to Plaintiff's treating or testifying physicians for an estimate of future medical expenses. All items mentioned above are, or will be, made available for inspection at Plaintiff's counsel's office at a mutually convenient time.

IV. CUSTODIANS OF RECORDS

Plaintiff may also call any of the custodians of medical, billing, radiology, or other medical records and/or other business records of physicians, hospitals, clinics and/or other entities where Plaintiff was treated. The Custodians may

testify live, by deposition or by affidavit to prove that the records are admissible under the Federal Rules of Evidence. Their testimony may also include the total charges for treatment received by Plaintiff and the reasonable and necessary costs of such treatment.

**V.
OTHER**

Plaintiff also reserves the right to supplement with additional designations of experts within the time limits imposed by the Court or any alterations of same by subsequent Court Order or agreement of the parties, or pursuant to the Federal Rules of Civil Procedure and/or the Federal Rules of Evidence.

Plaintiff reserves the right to call non-designated rebuttal witnesses, whose testimony cannot reasonably be foreseen until the presentation of the evidence. Plaintiff reserves the right to withdraw the designation of any expert and to aver positively that any such previously designated expert will not be called as a witness at trial, and to re-designate same as a consulting expert, who cannot be called by opposing counsel.

Plaintiff reserves the right to elicit any expert opinion or lay opinion testimony at the time of trial which would be truthful, which would be of benefit to the jury to determine material issues of fact, and which would not be violative of any existing Court order or the Federal Rules of Civil Procedure and/or the Federal Rules of Evidence.

Plaintiff reserves the right to produce medical records from treating physicians and testifying experts identified and designated by other parties to this lawsuit.

Plaintiff reserves the right to use deposition testimony or ask questions at trial of any of the people who have or will be deposed in this case and whose testimony qualifies them with expertise in the areas inquired about.

RESPECTFULLY SUBMITTED,

DESOUZA INJURY LAWYERS
4047 NACO PERRIN BLVD.
SAN ANTONIO, TEXAS 78217
210/ 714-4215 – PHONE
210/496-0060 – FACSIMILE

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ATTORNEYS FOR PLAINTIFF

Certificate of Service

This will certify that a true and correct copy of the above and foregoing instrument was duly served in accordance with the NEW MEXICO RULES OF CIVIL PROCEDURE on January 15, 2025 upon the following:

VIA CM/ECF NOTIFICATION SYSTEM AND/OR VIA E-MAIL:

JONES, SKELTON & HOCHULI, P.L.C.
8220 San Pedro Drive NE, Suite 420
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Telephone: 505-339-3500

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Sky Willard
E-Mail: swillard@jshfirm.com

*ATTORNEY FOR DEFENDANT,
JORGE ZUNIGA ISAIS D/B/A
RVJ TRANSPORT*

VIA CM/ECF NOTIFICATION SYSTEM AND/OR VIA E-MAIL:

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110 North Guadalupe, Suite 1
Santa Fe, New Mexico 87501
Telephone: 505-988-4421

Judd C. West
E-Mail: jcwest@hollandhart.com

Julia Broggi
E-Mail: jnroggi@hollandhart.com

*ATTORNEY FOR DEFENDANT,
SYGMA NETWORK, INC.*

/S/ JORGE L. ALVAREZ
JORGE L. ALVAREZ